

REMARKS

Claims 1-37 remain pending in this application. Additionally, new claims 38-43 have been added. Therefore, claims 1-43 are pending in the present application.

The Examiner rejected claims 1-8, 13-14, 16-18, 20-23, and 25-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,773,931 (*Pasadyne*). Applicants respectfully traverse this rejection.

Applicants respectfully assert that *Pasadyne* does not disclose or suggest all of the elements of claim 1 of the present invention. The Examiner cites *Pasadyne* due to the dynamic adjustment of a process target setting disclosed by *Pasadyne*. However, the dynamic metrology routing process called for by claim 1 of the present invention calls for dynamically adjusting *metrology routing* based upon a correlation of tool state analysis to a batch of workpieces; the claims do not call for dynamically adjusting a process target setting. For example, the Examiner cites column 3, lines 50-67 of *Pasadyne*, which calls for dynamically adjusting processing of semiconductor wafers, which includes dynamically adjusting the process target setting based upon analysis of electrical data and metrology data. See column 3, lines 50-67. However, *Pasadyne* is related to the merging or correlating of electrical test data with a batch of workpieces and dynamically adjusting target settings. See, for example, column 11, lines 39-63 and Figure 9.

In contrast to *Pasadyne*, the correlation of tool state analysis and the batch of workpieces called for by claim 1 of the present invention is performed to adjust metrology routing based

upon the correlation, which is clearly not anticipated by *Pasadyne*. As disclosed in *Pasadyne*, based upon the correlation of the data, *Pasadyne* discloses performing a persistent calculation function for adjusting control parameters. Therefore, *Pasadyne* is directed towards adjusting parameters or settings, wherein the dynamic metrology routing called for by claim 1 of the present invention calls for performing adjustment of the metrology routing. Therefore, *Pasadyne* does not disclose all of the elements of claim 1 of the present invention. Accordingly, for at least the reasons cited above, *Pasadyne* does not disclose all of the elements of claim 1 of the present invention.

Similarly, claim 13 also calls for adjusting metrology routing based upon a correlation of tool health assessment to a batch of workpieces, which as described above, is not disclosed, taught, or suggested by *Pasadyne*. Also, claim 16 calls for means for performing the dynamic metrology routing adjustment, which calls for correlating tool state analysis to a batch of workpieces to adjust a metrology routing, which is not disclosed, taught, or suggested by *Pasadyne*. Furthermore, claims 17, 22, and 26, respectively, call for a system, apparatus, and a computer readable program storage device that calls for adjusting a metrology routing based upon correlation of tool state analysis to a batch of workpieces, which are not taught, disclosed, or suggested by *Pasadyne* for at least the reasons cited above.

Applicants acknowledge and appreciate that the Examiner has indicated that claims 9-12, 15, 19, 24, 34-37, contain allowable subject matter. However, as described above, all of the claims of the present invention contain allowable subject matter.

Additionally, newly added claim 38, which calls for dynamically modifying a metrology routing based upon correlation of tool state analysis to a batch of workpieces and adjusting a metrology routing based upon the correlation, is allowable; particularly in light of the Examiner's indication that such subject matter is allowable. Claims 39-41, which depend from claim 38, are also allowable for at least the reasons cited above.

Furthermore, newly added claim 42, which calls for a system that includes a process control that is capable of dynamically modifying a metrology routing based upon correlation of tool state analysis to a batch of workpieces and adjusting a metrology routing based upon the correlation, is allowable; particularly in light of the Examiner's indication that such subject matter is allowable. Claim 43, which depends from claim 42, is also allowable for at least the reasons cited above.

Independent claims 1, 13, 16, 17, 22, 26, 38, and 42 are allowable for at least the reasons cited above. Additionally, dependent claims 2-8, 14, 18, 20-21, 23, 25, 27-33, 39-41, and 43, which depend from independent claims 1, 13, 17, 22, 26, 38, and 42, respectively, are also allowable for at least the reasons cited above.

Reconsideration of the present application is respectfully requested.

Applicants acknowledge that the Examiner objected to claims 9-12, 15, 19, 24, and 34-37, as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the arguments presented above, Applicants respectfully assert that claims 1-37 are

allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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